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August 29, 2005

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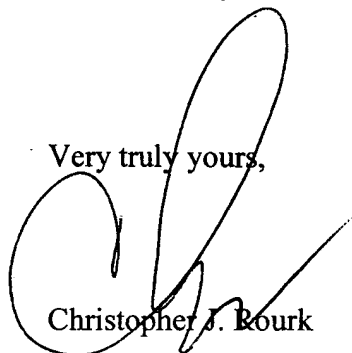
Re: U.S. Patent Application 10/042,236
Order Returning Undocketed Appeal to Examiner

Dear Mr. Wasson:

Enclosed for your records is the original Order Returning Undocketed Appeal to Examiner that was inadvertently sent to me rather than to you as attorney of record in the above-referenced application for U.S. Patent.

Good luck with your appeal.

Very truly yours,



Christopher J. Rourk

CJR:jld

Enclosure

cc: Mr. Craig R. Feinberg
Program and Resource Administrator

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

AUG 23 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEORGE M. HALOW and LOUIS E. ZUNIGA

Application No. 10/042,236

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Application No. 10/042,236

The Examiner's Answer dated November 30, 2004 (pg.4), fails to address the rejection of Claims 21, which was previously rejected under 35 USC 103(a) as being unpatentable over Peterson et al. (Patent No. 6,343,271) in view of Little et al. (Patent No. 5,359,509) and Kienle, Kenneth, "Clamping Down on Code Creep" in the Final Rejection of August 15, 2003.


Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

- 1) clarifying the examiner's intention regarding the 103(a) rejection as identified above; and
- 2) any further action as deemed appropriate

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES


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CRF/dpv

Application No. 10/042,236

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Application No. 10/042,236

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